

**TESTIMONY OF JAMES B. GRANDEY BEFORE THE GOVERNMENT REFORM
COMMITTEE'S SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND
HUMAN RESOURCES**

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My name is Jim Grandey. I am the Highland County Prosecuting Attorney and my office is located in Hillsboro, Ohio.

I thank the committee for the invitation to appear before you to discuss the growing epidemic of methamphetamine abuse and trafficking and its effect upon local governments.

I took office on January 1, 2001. Since that time we have presented 193 methamphetamine cases to the grand jury of Highland County, 27 in 2001, 45 in 2002, 54 in 2003, 52 in 2004 and 15 to date in 2005. This represents 15 per cent of the 1279 total cases presented. Methamphetamine abuse has had a tremendous effect on Highland County not only in terms of manufacturing cases but also in crimes committed by meth users. The yearly felony case load has risen from 129 cases in 2000 to 207 in 2001, 233 in 2002, 321 in 2003, 315 in 2004 and 203 so far in 2005.

We have had at least two deaths which were directly related to the manufacture of methamphetamine.

Methamphetamine is beyond a doubt the most addictive drug I have seen. Many times, a defendant is arrested for manufacturing and/or possession, bonds out of jail and upon being served with the indictment is found manufacturing and/or using again. Normally, a person who is accused of a crime would at least cease the criminal activity until after the case is concluded. You may arrest that person again later on, but rarely while the case is pending. This is not the case with methamphetamine users. Since several of our manufacturers are currently in prison this might explain why we only have indicted 15 cases so far in 2005. We have had at least two defendants that were incarcerated for two to three years and shortly after their release were indicted again for manufacturing.

In response to this phenomena, Judge Hoskins of the Highland County Court of Common Pleas has amended his bond schedule to increase the bond amounts for anyone indicted on a methamphetamine related charge. This has kept the offenders in jail rather than manufacturing but it has also created other problems. The number of inmates in the County Jail has increased causing budgetary concerns for the County, and it has shortened the try by time in which the accused must be brought to trial. Shortening the try by time puts added pressure upon my office and upon the Court to resolve the cases along with the other cases which are pending. In a county that only has one general division Judge and a felony prosecuting staff consisting of myself and one assistant, the increase in the case load and the shortened time to process the cases has put extreme pressure upon the criminal justice system. In addition, very few, if any, of the defendants can afford to hire their own attorney. Thus the cost of court appointed counsel has increased for the county as well. In the year 2000, Highland County paid \$175,752.78 for court appointed counsel which included fees for a capital murder case. In 2004 the County paid \$314,582.12 and has paid \$206,633.05 as of August 15, 2005. This increase is compounded by the fact that 50% of the cost of court appointed counsel is to come from the State yet the county is only receiving 28% reimbursement currently and has been informed that future reimbursement

will be reduced to 25%. Although perhaps not all of this increase can be attributed to methamphetamine use, it is my belief that a substantial part of the increase is attributable to the number of methamphetamine cases.

Some may ask, why is there so many cases in Highland County. First of all, being a rural county provides many hard to reach areas for methamphetamine manufacturing to take place. Secondly, there is an ample supply of chemicals necessary for the production of methamphetamine especially anhydrous ammonia. In addition, the "recipe" for manufacturing methamphetamine is readily available on the internet and at the local library. Unfortunately, the persons who are manufacturing methamphetamine have been able to simplify the process so that a lab can be set up anywhere including the back end of a car. One of my greatest fears is that someday we will have a collision in the middle of Hillsboro or Greenfield involving a vehicle in which a mobile meth lab is located. The potential danger, due to the volatile nature of the chemicals being used, to the general public from such a collision is tremendous.

What can be done to help the smaller counties in their fight against methamphetamine? We need financial assistance to offset the increased cost of providing court appointed counsel and housing those charged with methamphetamine related crimes. It is my belief that the costs of court appointed counsel should be paid from State or Federal funds rather than from the local level. If nothing else, if we would be able to recoup the percentage of costs related to representing methamphetamine defendants this would greatly help. In addition, the smaller counties need help in covering the increased costs of holding these defendants in the county jail and other expenses incurred by law enforcement in their attempts to curtail this activity.

From a non-monetary perspective, it is my belief that increased penalties with longer mandatory sentences would be a help. In addition, I would request that mandatory fines be made mandatory and not able to be relieved because a defendant claims to be indigent. He or she may be indigent today, but may not be later on and should be required to pay all mandatory fines, since the criminal element has created the problem they should help pay for the solution. I would also seek that the speedy trial time be increased for methamphetamine cases. Since the current three for one ratio applies to defendants who are in jail, we must try these defendants within 90 days of their arrest unless the time is tolled for such things as the defendant asking for a continuance. The ability to be able to try these defendants within 120 day of there arrest rather than ninety would at least take some of the pressure off of the trial docket.

Some have suggested that taking any product that contains pseudoephedrine off the shelves of stores and putting it behind the counter would slow the increase in methamphetamine production. This has been tried by a number of stores as well as those which limit the number of packages a single person can purchase. Although this has made it more inconvenient for those who seek to manufacture meth, it has had little, if any, impact on the actual criminal activity. In fact, the person most inconvenienced are the general public who have a real need.

Again, I would like to thank the committee for the opportunity to appear here today. The problem of methamphetamine abuse and manufacturing did not happen over night and neither will the solutions. It will take the efforts of many people, and the cooperation of all levels of government to solve this problem. Any help that this committee can be in assisting local governments in their battle against this criminal activity will be appreciated and I know that local governments will be committed to working with you towards a solution.